IN THE HIGH COURT OF JUDICATURE OF CHHATISGARH

AT BILASPUR

SINGLE BENCH

In the matter of M.C.C.(Arbitration) No. 152 of 2005

Petitioner/ Applicant : Purshothamdas s/o Ramniwas Maheshwari, aged about 64 years, occupation- contractor, R/o Vinoba Nagar, Bilaspur.

- Vrs. -

Respondent/ Non-applicant :
1) Union of India, Ministry of Railways, Represented by the General Manager, South East Central Railway, Bilaspur.
2) Union of India, Ministry of Railways, Represented by the Senior Divisional Engineer(East), South East Central Railway, Bilaspur.

M Sinha 29/04/05 S/T. Vinay Hait Sr. Standing Counsel for Railways

Shri ... Advocate 29/4/05

PETITION FOR APPOINTMENT OF SOLE ARBITRATOR UNDER PROVISIONS OF SECTION 11 OF ARBITRATION AND CONCILIATION ACT 1996

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उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक M.C.C. No. 152 / सन् 2005

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश
	27.06.2007 Shri Pankaj Agrawal, counsel for the applicant. Shri Amit Choudhary, Standing counsel for the respondents. With the consent of the parties, the matter was finally heard. The applicant has filed this petition for appointment of sole arbitrator under Section 11 of the Arbitration and Conciliation Act 1996 (hereinafter referred to as 'the Act of 1996'). It is stated in the petition that the respondents accepted offer of the petitioner and the work order together with the Schedule, Special Conditions of Contract and Specifications which was issued by the Additional Divisional Railway Manager, Bilaspur on 06.11.2002 for execution of work pertaining to "Supply, delivery and stacking of 75,000 M^3 Machine crushed track ballast from outside Railway-land at Belpahad Depot under the jurisdiction of ADEN/Raigarh and loading the same into Railway Wagons". The work was to be completed within a period of 24 calendar months including monsoon period from the date of issue of acceptance letter. Case of the petitioner is that after issuance of work order the petitioner faced difficulty in commencing the work as there was opposition from local residents and public agitation against the depot formation, which took place in presence of respondents/authorities.	

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मामला क्रमांक ..... सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश
	The petitioner/applicant apprised about the difficulties faced by him in execution of work through various letters to the authorities of the respondents. However, the railway administration was insisting for commencement of supplies from the same depot, but due to unavoidable situations beyond the control of petitioner, supplies under the contract could not be effected. A notice dated 25.10.2004 was served on railway administration through the Senior Divisional Engineer (East) South East Central Railway, Bilaspur as per Clause 63 of the conditions of contract which stipulates the arbitration clause and requested respondents to appoint an arbitrator for adjudicating the dispute arising out of the contract agreement. The name of Justice Shri S.K.Tiwari, former Judge of the High Court, residing at Bilaspur had been proposed by the petitioner, however, the arbitrator was not appointed as proposed. In these circumstances, present application has been filed. In reply to the petition, railway administration has not disputed the agreement between petitioner and railway administration and has also not disputed that agreement between the parties contains arbitration clause and further admitted that a dispute arising out of contract agreement between the parties existed which can be referred to the panel of arbitrators as per arbitration clause in the agreement and accordingly the name of	

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आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश -3-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश
	panel of arbitrators has been proposed for consideration of the petitioner. I have heard learned counsel for the parties and perused the application, reply and material available on record and I am satisfied that the case for appointment of arbitrator is made out. Learned counsel for both the parties submit that they have no objection if an arbitration tribunal consisting of following members is constituted and the dispute is referred to the said arbitration tribunal for adjudication :- (a) Shri S.B.Ninawe CGE/SECR/BSP (b) Shri R.S.Sonkar CE)Con.)/SECR/BSP (c) Shri R.K.Roy CE(Con.)/SECR/BSP Thus with the consent of the parties, I hereby constitute arbitration tribunal consisting of the following members for settling the dispute between the parties:- (a) Shri S.B.Ninawe CGE/SECR/BSP (b) Shri R.S.Sonkar CE)Con.)/SECR/BSP (c) Shri R.K.Roy CE(Con.)/SECR/BSP All the members of the Arbitration Tribunal may settle their terms and conditions and remuneration.	

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मामला क्रमांक ..... सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश
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Registry to intimate the members of Arbitration Tribunal about their appointment and send all the papers along with addresses of the parties.

Parties are also directed to approach the Arbitration Tribunal, who are presently residing at CGE, South East Central Railway, Bilaspur, CE)Con.), South East Central Railway, Bilaspur & CE(Con.), South East Central Railway, Bilaspur and to submit papers and to take part in the arbitration proceedings.

Sd/-
Dhirendra Mishra
Judge